

### **REMARKS/ARGUMENTS**

Claims 1-4, 6-9 and 12 are now pending in this application. Claims 1, 6 and 12 are Independent Claims. Claims 1, 6 and 12 have been amended. Claims 5, 10, 11, 13-17 and 27-32 have been cancelled. Claims 18-26 have been withdrawn.

#### ***Claim Rejections – 35 USC § 103***

Claims 1-4, 6-9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pate et al., United States Patent Number 6,754,605 (hereinafter: Pate). (Pending Office Action, Page 2). Applicant respectfully traverses these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (emphasis added) (MPEP § 2143). “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.” (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant respectfully submits that the claims rejected under this section include elements that have not been disclosed, taught or suggested by the reference cited by the Patent Office, and that it would not have been obvious to one of ordinary skill in the art at the time of the present invention to modify the reference to arrive at the claimed elements.

Independent Claim 1 of the present invention generally recites:

“***assembling*** said data storage device **based on said RF tag**.... Wherein said RF tag provides information on a job number associated with the data storage device, said job number being correlatable to a work station identifier (ID) associated with the data storage device, said RF tag further providing information on an ***assembly method*** of said data storage device”

In the present invention, the data storage device may be assembled based upon its RF tag. (Present Application, Page 7, Paragraph 0019). For example, the RF tag may include/store information such as a job number for the data storage device, which may be correlated to a work station ID and may automatically display the correct assembly method for the storage device. (Present Application, Page 7, Paragraph 0019). The above-referenced elements of the present invention may promote reduced assembly time and fewer assembly errors, as there may be no opportunity to select a wrong assembly method. (Present Application, Page 7, Paragraph 0019). Nowhere in the cited reference are the above-referenced elements either disclosed, taught or suggested.

Independent Claim 6 of the present invention generally recites:

“**removing** said data storage device from an inventory based on said RF tag; and **billing** said customer based on said RF tag”

In the present invention, the RF tag, when attached to a data storage device, may include/store information for allowing automatic removal from an inventory, such as a manufacturer’s inventory. (Present Application, Page 7, Paragraph 0020). Further, the RF tag may promote ease of billing such that the customer may automatically be billed based on the RF tag. (Present Application, Page 7, Paragraph 0020). Nowhere in the cited reference are the above-referenced elements either disclosed, taught or suggested.

Independent Claim 12 of the present invention generally recites:

“tracking a physical location of said data storage device based on a RF tag placed on said data storage device before said data storage device reaches a customer”

In the present invention, after a data storage device is shipped to a customer (ex-leaves a manufacturer’s site), the data storage device may be tracked by a customer, during transport to the customer, via an RF tag attached to the device. (Present Application, Page 7, Paragraph 0021). For example, the RF tag may provide the customer with a unique number or symbol so that the customer may check with a database to see the movement of the data storage device. (Present Application, Page 7,

Paragraph 0021). Nowhere in the cited reference are the above-referenced elements either taught, disclosed or suggested.

Based on the above rationale, the Patent Office has failed to make a *prima facie* case of obviousness against Independent Claims 1, 6, and 12. Thus, Independent Claims 1, 6, 12 should be allowed over the prior art of record. Further, Claims 2-4 (which depend from Claim 1) and Claims 7-9 (which depend from Claim 6) should also be allowed.

### CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of

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